

REMARKS

Amendments to the Abstract:

The abstract of the disclosure has been objected to because it contains more than 150 words. In accordance with the Examiner's indication, the abstract has been rewritten to contain less than 150 words.

Amendments to the Claims

Claims 6, 7, 15, 19, 29-33, and 35-37 have been amended. Claims 18 and 34 have been cancelled without prejudice and surrender of subject matter. Currently, claims 1-17, 19-33 and 35-37 are pending.

Claims 19-22 and 29-37 have been rejected under 35 U.S.C. §101. Claims 1-14 have been rejected under 35U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,835,896 ("Fisher et al.") in view of U.S. Patent No. 6,510,418 ("Case et al."). Claims 15-37 have been rejected under 35U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Case et al. in further view of U.S. Patent No. 6,178,408 ("Copple et al."). Based on reasons as set forth below, Applicants respectfully request reconsideration and withdrawal of the claim rejections.

I. None of the Cited References, Taken Individually or Collectively, Teaches or Suggests "Auction Server Reserves the Second Bid Price" as Recited in Independent Claim 1.

Claim 1 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Case et al.

As indicated above, claim 1 recites, in part, "... *the auction server reserves the second bid price....*" Rejecting claim 1, the Examiner asserts that

Fisher et al. does not explicitly teach... **auction server reserves the second bid price** from the second account record.... However, Case et al. discloses... **auction server reserves the second bid price** from the second account record....

Applicants respectfully disagree.

To establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. MPEP §2142. Applicants asserts that none of the cited references, either individually or collectively, teaches "... *auction server reserves the second bid*

price ...” as recited in claim 1. Thus, independent claim 1 is not rendered obvious by the cited references. Accordingly, Applicants submit that claim 1 is allowable over the cited references.

Claims 2-5 depend from independent claim 1, and as such, include all the limitations of independent claim 1, rendering them patentable also. Therefore, Applicants submit that claims 2-5 are also allowable over the cited references.

Claims 6-7 have been amended to correct matters of form. Thus, no new matter has been introduced by the amendment. Amended claims 6-7 also depend from independent claim 1, and as such, include all the limitations of independent claim 1, rendering them patentable. For these reasons, Applicants respectfully request that the §103(a) rejections to claims 1-7 be withdrawn and that indication of allowance be made.

II. None of the Cited References, Taken Individually or Collectively, Teaches or Suggests “a Second Logic for Reserving the Bidder-Selected Number of Payment Units” as Recited in Independent Claim 8.

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Case et al.

As indicated above, claim 8 recites, in part, “... *a second logic for reserving the bidder-selected number of payment units in the bidder’s respective account record...*” Rejecting claim 8, the Examiner asserts that

Fisher et al. does not explicitly teach... **or a second logic for reserving the bidder-selected number of payment units in the bidders respective account record....** However, Case et al. discloses... **a second logic for reserving the bidder-selected number of payment units in the bidders respective account record....** It would have been obvious to one of ordinary skill in the art... the teaching of Fisher et al. modify to include Case et al.....

Applicants respectfully disagree.

To establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. MPEP §2142. Applicants asserts that none of the cited references, either individually or collectively, teaches “... *a second logic for reserving the bidder-selected number of payment units...*” as recited in claim 8. Thus, independent claim 8 is not rendered obvious by the cited references. Accordingly, Applicants submit that claim 8 is allowable over the cited references.

Claims 9-10 depend from independent claim 8, and as such, include all the limitations of independent claim 8, rendering them patentable also. For these reasons, Applicants respectfully request that the §103(a) rejections to claims 8-10 be withdrawn and that indication of allowance be made.

III. None of the Cited References, Taken Individually or Collectively, Teaches or Suggests an “Automated Bidder Maximum Number of Payment Units” as Recited in Independent Claim 11.

Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Case et al..

As indicated above, claim 11 recites, in part, “... *automated bidder maximum number of payment units*....” Rejecting claim 11, the Examiner asserts that

Fisher et al. does not explicitly teach... **automated bidder maximum number of payment units**.... However, Case et al. discloses... **automated bidder maximum number of payment units**.... It would have been obvious to one of ordinary skill in the art... the teaching of Fisher et al. modify to include Case et al.....

Applicants respectfully disagree.

To establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. MPEP §2142. Applicants asserts that none of the cited references, either individually or collectively, teaches “... *automated bidder maximum number of payment units*...” as recited in claim 11. Thus, claim 11 is not rendered obvious by the cited references. Accordingly, Applicants submit that claim 11 is allowable over the cited references.

Claims 12-14 depend from independent claim 11, and as such, include all the limitations of independent claim 11, rendering them patentable also. For these reasons, Applicants respectfully request that the §103(a) rejections to claims 11-14 be withdrawn and that indication of allowance be made.

IV. None of the Cited References, Taken Individually or Collectively, Teaches or Suggests “a Database... Storing Information Relating to Date or Time Period...; ... Computer Programs Use the Date and Time Period Information to Cause Incentive Points to Be Removed...” as Recited in Amended Independent Claim 15.

Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Case et al. in further view of Copple et al.. Claim 15 has been amended to recite:

15. A point-based auction system comprising:
a database storing a first account..., and each account also storing information relating to the date or time period during which incentive points were earned;...
wherein said computer program or programs use the date or time period information to cause incentive points to be removed from user accounts once a certain period of time has elapsed from awarding of such points.

Emphasis on added limitations. These added limitations has been disclosed in original claim 18 which depends from claim 15 and is now cancelled. Thus, no new matter has been added by the amendment. Rejecting claim 15, the Examiner asserts:

Copple et al. discloses a **database storing a first account** representing a number of incentive points awarded to a first user.... Copple et al. also discloses said program (a) checking... (f) subtracting.... It would have been obvious to one of ordinary skill... the teaching of Fisher et al. and Case et al. could be modified to include Copple et al. in order to create a database for storing a first account representing a number of incentive points....

To establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. MPEP §2142. Applicants asserts that none of the cited references, either individually or collectively, teaches “*a database storing a first account..., and each account storing information relating to the date or time period during which incentive points were earned;... wherein said computer program or programs use the date or time period information to cause incentive points to be removed from user accounts once a certain period of time has elapsed from awarding of such points*” as recited in claim 15. Thus, amended independent claim 15 is not rendered obvious by the cited references. Accordingly, Applicants submit that claim 15 is now allowable over the cited references.

Claims 16-17 depend from independent claim 15, and as such, include all the limitations of independent claim 15, rendering them patentable also. For these reasons, Applicants respectfully request that the §103(a) rejections to claims 15-17 be withdrawn and that indication of allowance be made.

V. None of the Cited References, Taken Individually or Collectively, Teaches or Suggests the Step of “Removing Incentive Points From the First and Second Stored Accounts...” as Recited in Amended Independent Claim 19.

In rejecting claims 19-22 under 35U.S.C. §101, the Examiner has asserted that the claimed invention is directed to a non-statutory subject matter, more specifically, an abstract idea. Also, the Examiner has reminded Applicants to embed a computer or processor or module into claims 19-23 in order to overcome this 101 rejection.

In accordance with the Examiner’s indication, claim 19 has been amended to recite, in part:

19. A method comprising:

(a) providing a computer database accessible through a communication port for storing plurality of accounts;...

(d) removing incentive points from the first and second stored accounts once a certain period of time has elapsed from the awarding of such points....

Emphasis on added limitations. These added limitations has been disclosed in the specification, page 23, lines 14-22, and original claim 18 which is now cancelled. Thus, no new matter has been added by the amendment.

Amended independent claim 19 discloses “*providing computer database accessible through a communication port for storing plurality of accounts....*” Thus, Applicants believe the claimed invention is now directed to a statutory subject matter. Also, claims 20-22 depend from independent claim 19, and as such, include all the limitations of claim 19. Accordingly, Applicants respectfully request that the §101 rejections to claims 19-22 be withdrawn

Claims 19-22 have been further rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Case et al. in further view of Copple et al..

Rejecting claims 19-22, the Examiner asserts:

Copple et al. discloses *(a) awarding... (m) awarding the item to the user... of that bid.* It would have been obvious to one of ordinary skill... the teaching of Fisher et al. and Case et al. could be modified to include Copple et al. in order to award a quantity of incentive points.... The benefit would have been to document each user and their points awarded for accuracy when comparing information.

To establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. MPEP §2142. Applicants assert that none of the cited references, either individually or collectively, teaches or suggests the step of “... ***removing incentive points from the first and second stored accounts once a certain period of time has elapsed from the awarding of such points...***” as recited in amended independent claim 19. Thus, claim 19 is not rendered obvious by the cited references. Accordingly, Applicants submit that claim 19 is allowable over the cited references.

Claims 20-22 depend from independent claim 19, and as such, include all the limitations of independent claim 19, rendering them patentable also. Accordingly, Applicants respectfully request that the §103(a) rejections to claims 19-22 be withdrawn and that indication of allowance be made.

VI. None of the Cited References, Taken Individually or Collectively, Teaches or Suggests “a Computer Program or Programs Adding Incentive Points to the Third Entry When the First User Submits a Valid High Bid in an Auction...” as Recited in Independent Claim 23.

Claim 23 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Case et al. in further view of Copple et al.. Claim 23 recites, in part, “... ***a computer program or programs adding incentive points to the third entry when the first user submits a valid high bid in the auction....***” In rejecting claim 23, the Examiner has rendered the same reasoning as claim 15. Applicants respectfully disagree.

As recited above, claim 23 teaches a computer program or programs that add incentive points to an entry when an user submits a valid high bid. However, none of the cited reference teaches or suggests “... ***a computer program or programs adding incentive points to the third entry when the first user submits a valid high bid in the auction...***” as recited in claim 23. To establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. MPEP §2142. Thus, independent claim 23 is not rendered obvious by the cited references. Accordingly, Applicants submit that claim 23 are now allowable over the cited references.

Claims 24-26 depend from independent claim 23, and as such, include all the limitations of independent claim 23, rendering them patentable also. For these reasons, Applicants

respectfully request that the §103(a) rejections to claims 23-26 be withdrawn and that indication of allowance be made.

VII. None of the Cited References, Taken Individually or Collectively, Teaches or Suggests “a Computer Program or Programs Taking as Input Reserve Amounts and Bids...” as Recited in Independent Claim 27.

Claim 27 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Case et al. in further view of Copple et al.. Claim 27 recites, in part:

27. A point-based auction system comprising:
... **a computer program or programs taking as input reserve amounts and bids received from the first user and the second user through the communications port, each reserve amount representing the maximum number of incentive points reserved for an auction, and each bid constituting a number of incentive points and relating to an item being auctioned...** (Emphasis added)

In rejecting claim 27, the Examiner asserts:

Copple et al. discloses a **database storing a first account** representing a number of incentive points awarded to a first user.... Copple et al. also discloses **said program (a) checking... (f) subtracting...** It would have been obvious to one of ordinary skill... the teaching of Fisher et al. and Case et al. could be modified to include Copple et al. in order to create a database for storing a first account representing a number of incentive points....

Applicants respectfully disagree.

To establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. MPEP §2142.

As cited above, claim 27 has a limitation regarding a computer program or programs that take a “**reserve amount**” and a “**bid**” from each user. The “**reserve amount**” indicates the upper limit of incentive points that the user wants to stake on a particular auction item while the “**bid**” indicates the current incentive points the user stakes on the particular auction item. Applicants asserts that none of the cited references, either individually or collectively, teaches “... **a computer program or programs taking as input reserve amounts and bids received from the first user and the second user through the communications port, each reserve amount representing the maximum number of incentive points reserved for an auction, and each bid**”

constituting a number of incentive points and relating to an item being auctioned” as recited in claim 27. Thus, independent claim 27 is not rendered obvious by the cited references. Accordingly, Applicants submit that claim 27 is allowable over the cited references.

Claim 28 depend from independent claim 27, and as such, include all the limitations of independent claim 27, rendering them patentable also. For these reasons, Applicants respectfully request that the §103(a) rejections to claims 27-28 be withdrawn and that indication of allowance be made.

VIII. None of the Cited References, Taken Individually or Collectively, Teaches or Suggests the Step of “Removing Incentive Points From the First and Second Stored Accounts...” as Recited in Amended Independent Claim 29.

In rejecting claims 29-37 under 35U.S.C. §101, the Examiner has asserted that the claimed invention is directed to a non-statutory subject matter, more specifically, an abstract idea. Also, the Examiner has reminded Applicants to embed a computer or processor or module into claims 29-37 in order to overcome this 101 rejection.

In accordance with the Examiner’s indication, claim 29 has been amended to recite, in part:

29. A method comprising:

- (a) providing a computer database accessible through a communication port for storing a plurality of accounts;**
- (b) awarding a quantity of incentive points to a first user, including adding the first quantity to a first one of the stored accounts of first user incentive points;**
- (c) awarding a quantity of incentive points to a second user, including adding the quantity to a second one of the stored accounts of second user incentive points;**
- (d) removing incentive points from the first and second stored accounts once a certain period of time has elapsed from the awarding of such points....**

Emphasis on the added limitations. These added limitations has been disclosed in the specification, page 23, lines 14-22, and original claims 18 and 34 which are now cancelled. Thus, no new matter has been added by the amendment.

Amended independent claim 29 recites, in part, “*(a) computer database accessible through a communication port for storing a plurality of account....*” Thus, Applicants believe the claimed invention is now directed to a statutory subject matter. Also, claims 30-33 and 35-37 depend from independent claim 29, and as such, include all the limitations of claim 29. Accordingly, Applicants respectfully request that the §101 rejections to claims 29-33 and 35-37 be withdrawn

Claims 29 has been further rejected under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. in view of Case et al. in further view of Copple et al..

Rejecting claim 29, the Examiner asserts:

Copple et al. discloses a database storing...who submitted the winning bid. It would have been obvious to one of ordinary skill... the teaching of Fisher et al. and Case et al. could be modified to include Copple et al. in order to award a quantity of incentive points.... The benefit would have been to document each user and their points awarded for accuracy when comparing information.

To establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations. MPEP §2142. None of the cited references, either individually or collectively, teaches or suggests the step of “*removing incentive points from the first and second stored accounts once a certain period of time has elapsed from the awarding of such points*” as recited in amended independent claim 29. Thus, claim 29 is not rendered obvious by the cited references. Accordingly, Applicants submit that claim 29 is allowable over the cited references.

Claims 30-33 and 35-37 have been amended to correct matters of form. Thus, no new matter has been introduced by the amendment. Claims 30-33 and 35-37 depend from independent claim 29, and as such, include all the limitations of independent claim 29, rendering them patentable also. Accordingly, Applicants respectfully request that the §103(a) rejections to claims 29-33 and 35-37 be withdrawn and that indication of allowance be made.

IX. Dependent Claims 17, 20 and 35 Also Include Limitations That Distinguish over the Cited References.

Claims 17, 20 and 35 recite “... *viewing [an] advertisement[s]...*” by which an user can earn incentive points. None of the cited references teaches or suggests “... *viewing [an]*

advertisement[s]...” as recited in claims 17, 20 and 35. Thus, Applicants submit that this limitation makes claims 17, 20 and 35 further allowable over the cited references.


CONCLUSION

Based on the reasons as set forth above, Applicants respectfully request reconsideration of the claim rejections and allowance on claims 1-17, 19-33 and 35-37 are pending.

In the event that a telephone conference would expedite prosecution of the application, the Examiner is respectfully invited to contact the undersigned by telephone at the number set out below.

Respectfully submitted,

Dated: May 20, 2003


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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on May 20, 2003, with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: May 20, 2003


Yolette Yturralde-Owen